

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

**CENTURY HOLDINGS LLC; D/B/A
OAKRIDGE INN AND SUITES,
Plaintiff**

V.

**CERTAIN UNDERWRITERS AT
LLOYD'S, LONDON
Defendants**

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CASE NO. 1:19-cv-591

**DEFENDANTS CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON'S
NOTICE OF REMOVAL**

Defendants, Certain Underwriters at Lloyd's of London ("Underwriters") file this Notice of Removal pursuant to 28 U.S.C. §§1441 and 1446(a).¹ Defendants remove this action to the United States District Court for the Eastern District of Texas, Beaumont Division, and in support thereof, respectfully assert the following:

**I.
INTRODUCTION AND PROCEDURAL HISTORY**

1. This lawsuit stems from a dispute related to insurance coverage allegedly owed to the Plaintiff under Policy No. AMR-60115 for alleged damaged to property located at 2615 Interstate 10, Beaumont, Texas 77702 allegedly resulting from Hurricane Harvey. On October 25, 2019, Century Holdings, LLC; d/b/a Oaklodge Inn and Suites² ("Plaintiff") filed its Original

¹ Plaintiff is being given notice of the filing of Underwriters' Notice of Removal. *See Exhibit A.*

² Underwriters deny that Century Holdings, LLC is the proper party to this lawsuit as Policy No. AMR-60115 insuring the property made the basis of Plaintiff's lawsuit was issued to Century Homebridge, LLC d/b/a Oaklodge Inn and Suites and the purported

Petition in the 58th Judicial District Court of Jefferson County, Texas (Cause No. A-204776).³ Plaintiff's Petition named Underwriters as defendants in the lawsuit.⁴

2. Plaintiff's Petition asserts the following causes of action against Underwriters, namely: breach of contract, breach of duty of good faith and fair dealing under the common law, violations of Texas Deceptive Trade Practices – Consumer Protection Act, §17.41, *et. seq.*, violations of the Texas Insurance Code, §541.060 *et. seq.* and §542.055, *et. seq.*, and breach of the duty of good faith and fair dealing.⁵ Plaintiff's claims are based upon the Defendants' alleged acts and/or omissions related to the investigation and indemnity for the Plaintiff's claim for damages allegedly sustained at the Plaintiff's property located at 2615 Interstate 10, Beaumont, Texas 77702.⁶

3. Plaintiff served Underwriters via its authorized agent, Mendes and Mounts, LLP via certified mail, return receipt requested. Mendes and Mounts, LLP received and signed for receipt of service on October 31, 2019. The Jefferson County District Clerk received the return receipt on November 4, 2019.⁷

4. Defendants have not yet filed an Answer to Plaintiff's Original Petition in Jefferson County State Court, but will file an answer within seven (7) days of this filing pursuant to the Federal Rules of Civil Procedure.

5. There are no other parties to this lawsuit.

plaintiff, Century Holdings, LLC has no policy with Underwriters for the property in question.

³ See **Exhibit B**, Plaintiff's Original Petition.

⁴ See *id.*

⁵ *Id.*

⁶ *Id.*

⁷ See **Exhibit F**.

II.
TIMING OF REMOVAL

6. Underwriters were served with Plaintiff's Original Petition and received notice of the suit on October 31, 2019. This Notice of Removal is being filed within thirty (30) days of service and receipt by Defendants of a copy of the initial pleading setting forth the claim for relief upon which action is based, and is therefore, timely pursuant to 28 U.S.C. § 1446(b)(1).

III.
VENUE

7. Under 28 U.S.C. §1441(a) and 1446(a), venue is proper in the United States District Court for the Eastern District of Texas – Beaumont Division because the court occupies the district and division in which Plaintiff's lawsuit was filed.

IV.
BASES FOR REMOVAL

8. Removal is proper on the following grounds:

A. Complete Diversity Between the Parties

Federal jurisdiction is based upon complete diversity of citizenship in accordance with 28 U.S.C. §1332. There is complete diversity among the parties at the time of removal. The only parties to this lawsuit are Plaintiff and Underwriters, which make the removal to federal court proper pursuant to 28 U.S.C. § 1332(a).

Plaintiff's Petition states that Plaintiff is a Texas limited liability company. Based on information and belief, its principal place of business is in Beaumont, Jefferson County, Texas.

Policy Number AMR-60115 is underwritten by the following syndicates, which are each corporate entities organized and registered in the United Kingdom:

- Syndicate No. 510

- Syndicate No. 2987
- Syndicate No. 33
- Syndicate No. 780
- Syndicate No. 2121
- Syndicate No. 5000
- Syndicate No. 2623
- Syndicate No. 623
- Syndicate No. 382
- Syndicate No. 1980
- Syndicate No. 1969
- Syndicate No. 727
- Syndicate No. 609
- Syndicate No. 1897

As corporate entities the syndicates listed above have no individual or other names or members insuring the risk. All syndicates listed above have their principal place of business in the United Kingdom. Therefore, there is complete diversity, as Plaintiff is a citizen of Texas and Defendants are citizens of the United Kingdom.

B. The Amount in Controversy Exceeds \$75,000

The amount in controversy exceeds \$75,000, excluding interest and costs. *See* 28 U.S.C. §1332(a). Plaintiff's Petition states that Plaintiff seeks monetary relief of over \$1,000,000.00, but not in excess of \$2,500,000.00.⁸ Accordingly, all requirements are met for removal under 28 U.S.C. §1332(a) and §1446(b).

9. Copies of the pleadings and other filings in the state court suit are attached to this notice as required by 28 U.S.C. §1446(a) and the Eastern District of Texas Local Rules.⁹

10. Underwriters will promptly serve a copy of this notice of removal on counsel for Plaintiff and will file a copy with the clerk of the Jefferson County District Court where the suit has been pending.

⁸ *See Exhibit B*, Plaintiff's Original Petition at ¶ 4.

⁹ *See Exhibits A, B, C, D, E, and F.*

**V.
JURY DEMAND**

11. Plaintiff demanded a jury trial in the state court suit.¹⁰

**VI.
DOCUMENTS FILED WITH THIS NOTICE**

12. Pursuant to Local Rule 81, Underwriters attaches the following documents to this Notice of Removal:

Exhibit A: Defendants Underwriters' Notice of Filing of Removal to be filed in state court;

Exhibit B: Plaintiff's Original Petition;

Exhibit C: A List of all Counsel of Record, including addressees, telephone numbers, and parties represented in the state court case;

Exhibit D: An Index of Documents being filed with the Notice of Removal;

Exhibit E: Docket Sheet from the state court lawsuit (Cause No. A-204776); and;

Exhibit F: Copy of the following documents pertaining to service:

- Plaintiff's Request for Process;
- Receipt for Fees; and
- Citation to Certain Underwriters at Lloyd's, London;
- Return of Citation to Certain Underwriters at Lloyd's, London signed November 4, 2019 and indicating service was completed on Underwriters on October 31, 2019 by serving Underwriters' registered agent by Certified Mail Return Receipt Requested.

**VII.
PRAYER**

WHEREFORE, Defendants Underwriters at Lloyd's of London remove this case from the 58th Judicial District Court, Jefferson County, Texas to the Eastern District of Texas – Beaumont Division.

¹⁰ See **Exhibit B**, Plaintiff's Original Petition at ¶ 63.

Respectfully submitted,

HOLMAN FENWICK WILLAN USA LLP

/s/ Gerard J. Kimmitt

Gerard J. Kimmitt, II (Attorney in charge)

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**ATTORNEYS FOR UNDERWRITERS AT
LLOYD'S OF LONDON**

CERTIFICATE OF SERVICE

A true and correct copy of Defendants' Notice of Removal was filed electronically with the United States District Court for the Eastern District of Texas – Beaumont Division, with notice served via e-file and facsimile on this the 20th day of November, 2019:

/s/ Gerard J. Kimmitt

Gerard J. Kimmitt, II